IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 29TH NOVEMBER 2007 / 8TH AGRAHAYANA 1929

WP(C).No. 33312 of 2007(N)

PETITIONER:

SUBASH K.B.,
PEON, S.N.M. HIGH SECONDARY SCHOOL,
PURAKKAD P.O., ALAPPUZHA DISTRICT.

BY ADV. SMT.SREEDEVI KYLASANATH
SRI.K.JITHIN

RESPONDENTS:
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1. **STATE OF KERALA,**
   REPRESENTED BY THE SECRETARY, EDUCATION DEPARTMENT
   GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. **DISTRICT EDUCATION OFFICER, ALAPPUZHA.**

3. **MANAGER,**
   S.N.M. HIGHER SECONDARY SCHOOL, PURAKKAD.

BY GOVERNMENT PLEADER SRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN,J

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W.P.(C).No.33312 of 2007

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Dated this the 29th day of November, 2007

JUDGMENT

The petitioner is working as a Peon in S.N.M. Higher Secondary School, Purakkad, which is an aided school. His appointment was not approved on account of the dispute between certain persons in the educational agency, regarding entitlement to be the manager of the school. Ultimately, this Court upheld the appointment of Sri.N.Gopinath, the manager who appointed the petitioner. In spite of the same the 3rd respondent denied approval to the appointment of the petitioner on the ground that there is a dispute regarding a senior claimant. This Court, by Ext.P8 judgment, directed the Government to take final decision regarding approval of the petitioner's appointment. Pursuant to that, by Ext.P8 order, the Government directed the DEO to approve the petitioner's appointment. The petitioner's complaint in this writ petition is that despite the Government order, DEO is not approving the petitioner's appointment.

2. The learned Government Pleader submits that the original appointment order had been returned to the then manager and therefore at present there is no appointment order before the DEO for approval, and until the papers are resubmitted by the manager no action can be taken.

In the above circumstances, the writ petition is disposed of with the following directions. The 3rd respondent shall forward a fresh appointment order with effect from the original date of appointment of the petitioner for approval in accordance with Ext.P8 order, along with connected papers. This shall be done within two weeks from the date of receipt of a copy of this judgment. On receipt of the same the second respondent shall approve the appointment of the petitioner with effect from the original date of appointment within one month therefrom.

S.SIRI JAGAN, JUDGE

dvs